

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. 01-12,1078
	:
	:
vs.	: CRIMINAL DIVISION
	: Habeas Corpus
JACOB L. SNYDER, JR.,	:
Defendant	:

OPINION AND ORDER

Defendant has been charged with driving under the influence of alcohol to the degree which rendered him incapable of safe driving and driving under the influence of alcohol with a blood alcohol content of .10 or greater. 75 Pa. C.S. Sections 3731 (a)(1) and (4). After a preliminary hearing on December 3, 2001 both counts were held for court. In the instant Petition for a Writ of Habeas Corpus, Defendant seeks dismissal of the charges on several grounds. He contends (1) no evidence was offered that at the time Defendant allegedly drove the vehicle he was incapable of safe driving, (2) the Commonwealth failed to establish the Corpus Delecti before admitting into evidence the alleged admissions of the Defendant, (3) other than Defendant's admissions no evidence was presented that Defendant drove a vehicle while under the influence of alcohol, and (4) that all the evidence that Defendant did drive the vehicle was hearsay. Defendant also contends the evidence was insufficient to establish a prima facie case on either of the charges. The Court will address the issue of Corpus Delecti first.

The Corpus Delecti rule prohibits admission into evidence of confessions or admissions of a defendant without proof by a preponderance of the evidence that a crime has been committed. Commonwealth v Friend, 717 A.2d 568 (Pa. Super. 1998). The Corpus Delecti may be established by circumstantial evidence. Id. At the preliminary hearing Corporal Scott Hunter, with the Pennsylvania State Police, testified he encountered Defendant at approximately 3:00 a.m. on April 9,

2000 in the parking lot of PP&L in Montoursville. Defendant was walking around in a circular motion, stumbling, wearing no jacket and a short sleeve tee shirt even though it was very cold and was snowing heavily. Corporal Hunter testified that Defendant immediately appeared to him to be intoxicated and that he detected an extremely strong odor of alcoholic beverage about his person. Defendant's clothing was soaking wet and his palms and elbows and the front of his tee shirt were bloody. When asked what he was doing, Defendant told Corporal Hunter that he had come from Danville to visit friends in Williamsport in the vicinity of Maynard Street, that his friends had left him and that he had been trying to walk home and had been walking for about an hour. The Commonwealth also presented the testimony of Michael Foust, a friend of Defendant's, who indicated that he, Mr. Foust, had attended a party where Defendant was present on the evening in question, that Defendant had driven to the party and at some point during the evening he realized that Defendant was no longer at the party. Mr. Foust testified that he received a cell phone call from Defendant after Defendant had left the party but that Defendant was so confusing on the phone that he was not able to understand him. He also testified that in response to a conversation with Defendant the following day, he went to look for Defendant's car and found it behind a building in Montoursville with the front left tire up over a landscape timber in the mulch of a flower bed. He was not able to get the car out without having friends push it out and he then took it back to his residence in Williamsport. Corporal Hunter testified that after having learned where the vehicle was, he went to the site and verified that a car had driven up over the landscape timber and the left rear tire had worn a rut in the gravel consistent with a spinning tire. Corporal Hunter also examined Defendant's car when Defendant came in for an interview the following night and found evidence on the car which was consistent with having been stuck in a flower bed. Finally, Corporal Hunter testified that he took Defendant to the hospital for a blood test and Defendant had a blood alcohol content of .17%. Although the evidence is circumstantial, the Court believes such establishes by a preponderance of the evidence that Defendant drove a vehicle while under the influence of alcohol to a degree which rendered him incapable of safe driving and also with a blood alcohol content higher than .10%. The District Magistrate therefore did not err in admitting Defendant's statement to Corporal Hunter that he drove his vehicle and got it stuck in a flower bed.

With respect to Defendant's contention no evidence was offered that at the time Defendant drove his vehicle he was incapable of safe driving, the Court believes the evidence Defendant got the vehicle stuck in a flower bed, and that he was stumbling and had fallen down (rendering his hands and elbows bloody) while walking, is evidence of his being incapable of safe driving.

With respect to Defendant's contention no evidence was offered that Defendant drove the vehicle while under the influence of alcohol with a blood alcohol content of .10 or greater, the Commonwealth offered the results of the blood test, .17, which is certainly evidence that at the time Defendant drove he had a blood alcohol content of .10 or greater.

With respect to Defendant's contention that all evidence was hearsay, the Court disagrees. Corporal Hunter testified to his direct observations, as did Michael Foust. Defendant's statement, properly admitted in conjunction with the testimony of Corporal Hunter and Mr. Foust, is not hearsay as such is an admission against interest.

Finally, with respect to the contention the evidence was insufficient to establish a prima facie case, since the Court has found the evidence sufficient to establish the Corpus Delecti, and also considering Defendant's admission, the Court believes a prima facie case was presented with respect to both charges.

ORDER

AND NOW, this 13th day of February, 2002, for the foregoing reasons, Defendant's Petition for a Writ of Habeas Corpus is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA
William Miele, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson